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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

TOMMY PARISI, individually and on behalf) Case No.
of all others similarly situated,)

Plaintiff,

DEMAND FOR JURY TRIAL

Plaintiff TOMMY PARISI (“Plaintiff”), individually and on behalf of all others similarly situated, alleges the following against Defendant CALIFORNIA CHECK CASHING STORES, LLC (“Defendant”) upon information and belief based upon personal knowledge:

INTRODUCTION

1. Plaintiff's Class Action Complaint is brought pursuant to the Telephone

Consumer Protection Act, 47 U.S.C. § 227, *et seq.* (“TCPA”).

2. Plaintiff, individually, and on behalf of all others similarly situated, brings this Complaint for damages, injunctive relief, and any other available legal or equitable remedies, resulting from the illegal actions of Defendant in negligently, knowingly, and/or willfully contacting Plaintiff no Plaintiff's cellular telephone, thereby the TCPA, 47 U.S.C. § 227. Plaintiff alleges as follows upon personal knowledge as to himself and his own acts and experiences, and, as to all other matters, upon information and belief, including investigation conducted by his attorneys.

3. In addition to Plaintiff's Class Claims, Plaintiff also brings an action for damages as an individual consumer for Defendant's violations of the Rosenthal Fair Debt Collection Practices Act, Cal Civ. Code § 1788, *et seq.* (hereinafter "RFDCPA") which prohibits debt collectors from engaging in abusive, deceptive, and unfair practices.

JURISDICTION AND VENUE

4. Jurisdiction is proper under 28 U.S.C. § 1331 because this civil action arises under a law of the United States, the TCPA. Ancillary to this claim, this Court has jurisdiction pursuant to 28 U.S.C. § 1337(a) over Plaintiff's claims arising under the RFDCPA, Cal. Civ. Code § 1788, *et seq.*

5. Venue is proper in the United States District Court for the Northern District of California pursuant to 28 U.S.C. § 1391(b)(2) because Defendant does business within the State of California, Plaintiff resides within this District, and a substantial part of the events or omissions giving rise to Plaintiff's claims occurred in this District.

PARTIES

6. Plaintiff is a natural person residing in San Francisco County in the state of

California, and is a “person” as defined by 47 U.S.C. § 153(39). Furthermore, Plaintiff is a “debtor” as defined by the RFDCPA, Cal. Civ. Code § 1788.2(h).

7. At all relevant times herein, Defendant, CALIFORNIA CHECK CASHING STORES, LLC (“Defendant”), is lending company, and is a “person” as defined by 47 U.S.C. § 153(39). Furthermore, regularly attempts to collect debts alleged to be due another, and therefore is a “debt collector” as defined by the RFDCPA, Cal. Civ. Code § 1788.2(c).

8. The above named Defendant, and its subsidiaries and agents, are collectively referred to as "Defendants." The true names and capacities of the Defendants sued herein as DOE Defendants 1 through 10, inclusive, are currently unknown to Plaintiff, who therefore sues such Defendants by fictitious names. Each of the Defendants designated herein as a DOE is legally responsible for the unlawful acts alleged herein. Plaintiff will seek leave of Court to amend the Complaint to reflect the true names and capacities of the DOE Defendants when such identities become known.

9. Plaintiff is informed and believes that at all relevant times, each and every Defendant was acting as an agent and/or employee of each of the other Defendants and was acting within the course and scope of said agency and/or employment with the full knowledge and consent of each of the other Defendants. Plaintiff is informed and believes that each of the acts and/or omissions complained of herein was made known to, and ratified by, each of the other Defendants.

FACTUAL ALLEGATIONS – TCPA

10. Beginning in or around June of 2020, Defendant contacted Plaintiff on his cellular telephone number ending in -9495, in an effort to collect a debt alleged to be owed from Plaintiff.

11. Defendant called Plaintiff from telephone numbers confirmed to belong to

Defendant, including without limitation (415) 239-4000.

12. In its efforts to collect the alleged debt owed from Plaintiff, Defendant used an “automatic telephone dialing system,” as defined by 47 U.S.C. § 227(a)(1) to place its calls to Plaintiff seeking to collect an alleged debt owed.

13. Defendant's calls constituted calls that were not for emergency purposes as defined by 47 U.S.C. § 227(b)(1)(A).

14. Defendant's calls were placed to a telephone number assigned to a cellular telephone service for which Plaintiff incurs a charge for incoming calls pursuant to 47 U.S.C. § 227(b)(1).

15. During all relevant times, Defendant did not possess Plaintiff's "prior express consent" to receive calls using an automatic telephone dialing system or an artificial or prerecorded voice on his cellular telephone pursuant to 47 U.S.C. § 227(b)(1)(A). Furthermore, Plaintiff orally revoked any and all consent to be contacted using an automated telephone dialing system, to the extent any ever existed.

FACTUAL ALLEGATIONS –RFDCPA

16. In addition to the facts pled above, at various times prior to the filing of the instant complaint, including within one year preceding the filing of this complaint, Defendant contacted Plaintiff in an attempt to collect an alleged outstanding debt.

17. During or about June through August of 2020, Plaintiff began receiving numerous calls from Defendant.

18. Each of these calls were made to Plaintiff in connection with collection on an alleged debt.

19. Plaintiff had previously told Defendant to stop calling him, but Defendant

1 continued to call.

2 20. Long before the calls placed from Defendant to Plaintiff as set forth above,
3 Defendant was made aware that Plaintiff was represented by an attorney with respect to the
4 alleged debt.

5 21. Section 1788.17 of the RFDCPA mandates that every debt collector collecting or
6 attempting to collect a consumer debt shall comply with the provisions of Sections 1692b to
7 1692j, inclusive, of, and shall be subject to the remedies in Section 1692k of, Title 15 of the
8 United States Code, the Federal Fair Debt Collection Practices Act.

9 22. Defendant's conduct violated the RFDCPA, including by violation of the Federal
10 Fair Debt Collection Practices Act, in multiple ways, including but not limited to:

- 11 a) Causing a telephone to ring repeatedly or continuously to annoy Plaintiff (Cal.
12 Civ. Code § 1788.11(d));
- 13 b) Communicating, by telephone or in person, with Plaintiff with such frequency as
14 to be unreasonable and to constitute an harassment to Plaintiff under the
15 circumstances (Cal. Civ. Code § 1788.11(e));
- 16 c) Causing Plaintiff's telephone to ring repeatedly or continuously with intent to
17 harass, annoy or abuse Plaintiff (15 U.S.C. § 1692d(5));
- 18 d) Communicating with Plaintiff at times or places which were known or should
19 have been known to be inconvenient for Plaintiff (15 U.S.C. § 1692c(a)(1));
- 20 e) Engaging in conduct the natural consequence of which is to harass, oppress, or
21 abuse Plaintiff (15 U.S.C. § 1692d); and
- 22 f) Communicating with Plaintiff when Defendant knew that Plaintiff was
23 represented by an attorney with respect to the alleged debt (15 U.S.C. §

1 1692c(a)(2)).

2 23. As a result of the above violations of the FDCPA and RFDCPA, Plaintiff suffered
3 and continues to suffer injury to Plaintiff's feelings, personal humiliation, embarrassment,
4 mental anguish and emotional distress, and Defendant is liable to Plaintiff for Plaintiff's actual
5 damages, statutory damages, and costs and attorney's fees.

6 **CLASS ACTION ALLEGATIONS**

7 24. Plaintiff brings this action individually and on behalf of all others similarly
8 situated, as a member of the proposed class (hereafter "The Class") defined as follows:

9 All persons within the United States who received any telephone
10 calls from Defendant to said person's cellular telephone made
11 through the use of any automatic telephone dialing system or an
12 artificial or prerecorded voice and such person had not previously
13 consented to receiving such calls, or had revoked any existing
14 consent, within the four years prior to the filing of this Complaint
15 through the date of class certification.

16 25. Plaintiff represents, and is a member of, The Class, consisting of all persons
17 within the United States who received any telephone calls from Defendant to said person's
18 cellular telephone made through the use of any automatic telephone dialing system or an artificial
19 or prerecorded voice and such person had not previously consented to receiving such calls, or
20 had revoked any existing consent, within the four years prior to the filing of this Complaint.

21 26. Defendant, its employees and agents are excluded from The Class. Plaintiff does
22 not know the number of members in The Class, but believes the Class members number in the
23 thousands, if not more. Thus, this matter should be certified as a Class Action to assist in the
24 expeditious litigation of the matter.

25 27. The Class is so numerous that the individual joinder of all of its members is
26 impractical. While the exact number and identities of The Class members are unknown to

1 Plaintiff at this time and can only be ascertained through appropriate discovery, Plaintiff is
2 informed and believes and thereon alleges that The Class includes thousands of members.
3 Plaintiff alleges that The Class members may be ascertained by the records maintained by
4 Defendant.

5 28. Plaintiff and members of The Class were harmed by the acts of Defendant in at
6 least the following ways: Defendant illegally contacted Plaintiff and Class members via their
7 cellular telephones thereby causing Plaintiff and Class members to incur certain charges or
8 reduced telephone time for which Plaintiff and Class members had previously paid by having to
9 retrieve or administer messages left by Defendant during those illegal calls, and invading the
10 privacy of said Plaintiff and Class members.

11 29. Common questions of fact and law exist as to all members of The Class which
12 predominate over any questions affecting only individual members of The Class. These common
13 legal and factual questions, which do not vary between Class members, and which may be
14 determined without reference to the individual circumstances of any Class members, include, but
15 are not limited to, the following:

- 16 a. Whether, within the four years prior to the filing of this Complaint,
17 Defendant made any collection call (other than a call made for emergency
18 purposes or made with the prior express consent of the called party) to a
19 Class member using any automatic telephone dialing system or any
20 artificial or prerecorded voice to any telephone number assigned to a
21 cellular telephone service;
- 22 b. Whether Plaintiff and the Class members were damaged thereby, and the
23 extent of damages for such violation; and
- 24

c. Whether Defendant should be enjoined from engaging in such conduct in the future.

30. As a person that received numerous collection calls from Defendant using an automatic telephone dialing system or an artificial or prerecorded voice, without Plaintiff's prior express consent, Plaintiff is asserting claims that are typical of The Class.

31. Plaintiff will fairly and adequately protect the interests of the members of The Class. Plaintiff has retained attorneys experienced in the prosecution of class actions.

32. A class action is superior to other available methods of fair and efficient adjudication of this controversy, since individual litigation of the claims of all Class members is impracticable. Even if every Class member could afford individual litigation, the court system could not. It would be unduly burdensome to the courts in which individual litigation of numerous issues would proceed. Individualized litigation would also present the potential for varying, inconsistent, or contradictory judgments and would magnify the delay and expense to all parties and to the court system resulting from multiple trials of the same complex factual issues. By contrast, the conduct of this action as a class action presents fewer management difficulties, conserves the resources of the parties and of the court system, and protects the rights of each Class member.

33. The prosecution of separate actions by individual Class members would create a risk of adjudications with respect to them that would, as a practical matter, be dispositive of the interests of the other Class members not parties to such adjudications or that would substantially impair or impede the ability of such non-party Class members to protect their interests.

34. Defendant has acted or refused to act in respects generally applicable to The Class, thereby making appropriate final and injunctive relief with regard to the members of The Class

as a whole.

FIRST CAUSE OF ACTION
Negligent Violations of the Telephone Consumer Protection Act
47 U.S.C. §227, et seq.
By Plaintiff and The Class Against Defendant

35. Plaintiff repeats and incorporates by reference into this cause of action the allegations set forth above at Paragraphs 1-34.

36. The foregoing acts and omissions of Defendant constitute numerous and multiple negligent violations of the TCPA, including but not limited to each and every one of the above cited provisions of 47 U.S.C. § 227, *et seq.*

37. As a result of Defendant's negligent violations of 47 U.S.C. § 227, *et seq.*, Plaintiff and the Class Members are entitled an award of \$500.00 in statutory damages, for each and every violation, pursuant to 47 U.S.C. § 227(b)(3)(B).

38. Plaintiff and the Class members are also entitled to and seek injunctive relief prohibiting such conduct in the future.

SECOND CAUSE OF ACTION
Knowing and/or Willful Violations of the Telephone Consumer Protection Act
47 U.S.C. §227, *et seq.*
By Plaintiff and The Class Against Defendant

39. Plaintiff repeats and incorporates by reference into this cause of action the allegations set forth above at Paragraphs 1-34.

40. The foregoing acts and omissions of Defendant constitute numerous and multiple knowing and/or willful violations of the TCPA, including but not limited to each and every one of the above cited provisions of 47 U.S.C. § 227, *et seq.*

41. As a result of Defendant's knowing and/or willful violations of 47 U.S.C. § 227,
et seq., Plaintiff and the Class members are entitled an award of \$1,500.00 in statutory damages,

1 for each and every violation, pursuant to 47 U.S.C. § 227(b)(3)(B) and 47 U.S.C. § 227(b)(3)(C).

2 42. Plaintiff and the Class members are also entitled to and seek injunctive relief
3 prohibiting such conduct in the future.

4 **THIRD CAUSE OF ACTION**
5 **Violations of the Rosenthal Fair Debt Collection Practices Act**
6 **Cal. Civ. Code § 1788, *et seq.***
7 **By Plaintiff, Individually, Against Defendant**

8 43. Plaintiff repeats and reincorporates by reference into this cause of action
9 allegations set forth above at paragraphs 1-23.

10 44. To the extent that Defendant's actions, counted above, violated the RFDCPA,
11 those actions were done knowingly and willfully.

12 **PRAYER FOR RELIEF**

13 WHEREFORE, Plaintiff requests judgment against Defendant for the following:

14 **FIRST CAUSE OF ACTION**
15 **Negligent Violations of the Telephone Consumer Protection Act**
16 **47 U.S.C. § 227, *et seq.***

- 17 • As a result of Defendant's negligent violations of 47 U.S.C. § 227(b)(1), Plaintiff
18 and the Class members are entitled to and request \$500 in statutory damages, for
19 each and every violation, pursuant to 47 U.S.C. § 227(b)(3)(B).
20 • Any and all other relief that the Court deems just and proper.

21 **SECOND CAUSE OF ACTION**
22 **Knowing and/or Willful Violations of the Telephone Consumer Protection Act**
23 **47 U.S.C. § 227, *et seq.***

- 24 • As a result of Defendant's willful and/or knowing violations of 47 U.S.C. §
25 227(b)(1), Plaintiff and the Class members are entitled to and request treble
26 damages, as provided by statute, up to \$1,500, for each and every violation,
27 pursuant to 47 U.S.C. § 227(b)(3)(B) and 47 U.S.C. § 227(b)(3)(C).

- Any and all other relief that the Court deems just and proper.

THIRD CAUSE OF ACTION
Violations of the Rosenthal Fair Debt Collection Practices Act
Cal. Civ. Code § 1788, *et seq.*

WHEREFORE, Plaintiff respectfully prays that judgment be entered against Defendant for the following:

- A. Actual damages;
 - B. Statutory damages for willful and negligent violations;
 - C. Costs and reasonable attorney's fees,
 - D. For such other and further relief as may be just and proper.

TRIAL BY JURY

45. Pursuant to the seventh amendment to the Constitution of the United States of America, Plaintiff is entitled to, and demands, a trial by jury.

Respectfully submitted this 11th Day of March, 2021.

LAW OFFICES OF TODD M. FRIEDMAN, P.C.

By: /s/ Todd M. Friedman

Todd M. Friedman

Law Offices of Todd